

**IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK**

NICHOLAS CELLI, JONATHAN LALLY, )  
TIFFANY FINCH, and RUSSELL )  
SMITH, individually and on behalf of )  
all others similarly situated, )

Plaintiffs,

v.

PROGRESSIVE CASUALTY )  
INSURANCE COMPANY )

Defendant.

Civil Action No.  
2:17-cv-01144-SJF-GRB

**JOINT NOTICE OF SETTLEMENT AND REQUEST TO SCHEDULE  
APPROVAL HEARING PURSUANT TO 29 U.S.C. § 216(B)**

The parties hereby notify the Court that, following a mediation held on April 30, 2018, they have reached an agreement to resolve this matter. The parties are currently in the process of finalizing the settlement agreement paperwork. They respectfully request that the Court schedule a settlement approval hearing in August.

The settlement will cover those individuals who have submitted consent forms, pursuant to 29 U.S.C. § 216(b) of the Fair Labor Standards Act ("FLSA"), to join this case, or pursue these claims in arbitration. Thus, the settlement is not a Rule 23 class settlement that will bind absent class members. Nevertheless, settlements of such claims under § 216(b) require court approval. Plaintiffs will submit a full motion for settlement approval prior to the approval hearing, explaining to the Court why the settlement is fair and reasonable and should be approved. In the meantime, within the next two weeks, the parties will submit to the Court a proposed notice to individuals who

have already opted in, describing the settlement and informing them of the approval hearing.

The Court has scheduled a status conference for next week, June 28, 2018. The parties request that this conference be rescheduled for a hearing in August at which time the Court could consider approval of the settlement. However, should the Court have any questions at this time for the parties, the status conference could proceed next week so that counsel could appear and answer any questions the Court may have.

Respectfully submitted,

NICHOLAS CELLI, JONATHAN LALLY,  
TIFFANY FINCH, and RUSSELL SMITH,

individually and on behalf of others  
similarly situated,

By their attorneys,

/s/ Shannon Liss-Riordan  
Shannon Liss-Riordan  
Lichten & Liss-Riordan, P.C.  
729 Boylston Street, Suite 2000  
Boston, MA 02116  
(617) 994 – 5800  
sliss@llrlaw.com

Richard E. Hayber, *pro hac vice*  
Hayber Law Firm, LLC  
221 Main Street, Suite 502  
Hartford, CT 06106  
(860) 522-8888  
rhayber@hayberlawfirm.com

PROGRESSIVE CASUALTY INSURANCE  
COMPANY,

By its attorneys,

/s/ Melissa C. Rodriguez  
Christopher A. Parlo  
Melissa C. Rodriguez  
Morgan, Lewis & Bockius LLP  
101 Park Avenue  
New York, NY 10178  
212-309-6000  
Fax: 212-309-6001  
cparlo@morganlewis.com  
Melissa.rodriguez@morganlewis.com

June 21, 2018

**CERTIFICATE OF SERVICE**

I hereby certify that on June 21, 2018, a copy of this document was electronically  
filed on all counsel of record.

/s/ Shannon Liss-Riordan  
Shannon Liss-Riordan